



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

BOARD ORDER

IN THE MATTER OF

MUNICIPALITY OF CARTHAGE
FRANKLIN COUNTY, MAINE
STATE-IMPOSED
SHORELAND ZONING ORDINANCE

) MANDATORY SHORELAND ZONING ACT
) 38 M.R.S.A. SECTION 438-A(4)
) AMENDMENT OF ZONING MAP

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Pursuant to the provisions of 5 M.R.S.A. Sections 8051-8064, 38 M.R.S.A. Sections 435-449, and 06-096 CMR, Chapter 1000, *State of Maine Guidelines for Municipal Shoreland Zoning Ordinances*, as amended May 1, 2006, the Board of Environmental Protection ("Board") has reviewed the existing land use regulations relating to the shoreland zone in the municipality of Carthage, and FINDS THE FOLLOWING FACTS:

1. On April 2, 1994 the Board of Environmental Protection adopted the *State of Maine Guidelines for Municipal Shoreland Zoning Ordinances* and a shoreland zoning map for the town of Carthage pursuant to 38 M.R.S.A. Section 438-A(4). Such action was necessary after the Town failed to adopt a suitable ordinance as required. The Ordinance was subsequently amended by the Board on January 17, 1995 (text amendment).
2. On December 12, 2007 David Harvey of Timber Meadow, Inc. petitioned the Department to amend the zoning district surrounding Podunk Pond in Carthage from the Resource Protection District to the Limited Residential District. Mr. Harvey is the owner of Timber Meadow, Inc. and his company owns all of the shoreland area adjacent to Podunk Pond.
3. Podunk Pond had been put in the Resource Protection District because the pond was a public water source for the Town of Dixfield. Dixfield, however, stopped using the pond as a water source numerous years ago, and the Town of Dixfield has released by deed to Timber Meadow, Inc. its rights associated with the water source.
4. Department staff has confirmed, through town officials in both Dixfield and Carthage, that Podunk Pond is no longer a water source for Dixfield and that the Town of Dixfield no longer has a legal interest in the pond as a drinking water supply.

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5. A review of available maps and other resources indicates that the Pond and its surrounding shoreland does not meet the criteria for Resource Protection zoning as contained in the Department's Guidelines
6. A public comment period was provided in order for abutters, town officials and other interested parties to comment on the proposed zoning change. A copy of the draft order was sent to the Town of Carthage. The public comment period extended until _____, 2008 at 5:00 p.m.

BASED on the above FINDINGS OF FACT, the Board concludes that the proposed zoning change, removing all of the shoreland zone adjacent to Podunk Pond from the Resource Protection District and placing it in Limited Residential District, is consistent with the Department's Guidelines for Municipal Shoreland Zoning Ordinances.

THEREFORE, THE BOARD HEREBY AMENDS the official shoreland zoning map, adopted as part of the State-imposed Shoreland Zoning Ordinance for the Municipality of Carthage, by rezoning all of the land surrounding Podunk Pond from the Resource Protection District to the Limited Residential District.

This ORDER shall remain in effect, and shall be binding upon the municipality of Carthage until amended or repealed by the "Board", or until the municipality of Carthage adopts a shoreland zoning ordinance, consistent with the "Board"'s Guidelines, and is approved by the Commissioner.

DONE AND DATED AT AUGUSTA, MAINE, THIS ____ DAY OF _____, 2008.

BOARD OF ENVIRONMENTAL PROTECTION

BY: _____
Ernest W Hilton, Chairman

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES